

CHAPTER 95—RACKETEERING

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AMENDMENTS

1992—Pub. L. 102-550, title XV, § 1512(b), Oct. 28, 1992, 106 Stat. 4058, added item 1960.

1988—Pub. L. 100-690, title VII, § 7053(c), Nov. 18, 1988, 102 Stat. 4402, redesignated items 1952A and 1952B as 1958 and 1959, respectively, and transferred them to the end of the table of sections.

1986—Pub. L. 99-570, title I, § 1352(b), Oct. 27, 1986, 100 Stat. 3207-21, added items 1956 and 1957.

1984—Pub. L. 98-473, title II, § 1002(b), Oct. 12, 1984, 98 Stat. 2137, added items 1952A and 1952B.

1970—Pub. L. 91-452, title VIII, § 803(b), Oct. 15, 1970, 84 Stat. 938, added item 1955.

1962—Pub. L. 87-420, § 17(f), Mar. 20, 1962, 76 Stat. 43, added item 1954.

1961—Pub. L. 87-228, § 1(b), Sept. 13, 1961, 75 Stat. 499, added item 1952.

Pub. L. 87-218, § 1, Sept. 13, 1961, 75 Stat. 492, added item 1953.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3582 of this title; title 7 section 12a.

§ 1951. Interference with commerce by threats or violence

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(b) As used in this section—

(1) The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(2) The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

(3) The term “commerce” means commerce within the District of Columbia, or any Terri-

tory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

(c) This section shall not be construed to repeal, modify or affect section 17 of Title 15, sections 52, 101-115, 151-166 of Title 29 or sections 151-188 of Title 45.

(June 25, 1948, ch. 645, 62 Stat. 793; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(L), 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 420a-420e-1 (June 18, 1934, ch. 569, §§ 1-6, 48 Stat. 979, 980; July 3, 1946, ch. 537, 60 Stat. 420).

Section consolidates sections 420a to 420e-1 of Title 18, U.S.C., 1940 ed., with changes in phraseology and arrangement necessary to effect consolidation.

Provisions designating offense as felony were omitted as unnecessary in view of definitive section 1 of this title. (See reviser's note under section 550 of this title.)

Subsection (c) of the revised section is derived from title II of the 1946 amendment. It substitutes references to specific sections of the United States Code, 1940 ed., in place of references to numerous acts of Congress, in conformity to the style of the revision bill. Subsection (c) as rephrased will preclude any construction of implied repeal of the specified acts of Congress codified in the sections enumerated.

The words “attempts or conspires so to do” were substituted for sections 3 and 4 of the 1946 act, omitting as unnecessary the words “participates in an attempt” and the words “or acts in concert with another or with others”, in view of section 2 of this title which makes any person who participates in an unlawful enterprise or aids or assists the principal offender, or does anything towards the accomplishment of the crime, a principal himself.

Words “shall, upon conviction thereof,” were omitted as surplusage, since punishment cannot be imposed until a conviction is secured.

REFERENCES IN TEXT

Sections 101-115 of Title 29, referred to in subsec. (c), is a reference to act Mar. 23, 1932, ch. 90, 47 Stat. 70, popularly known as the Norris-LaGuardia Act. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 29, Labor, and Tables.

Section 11 of that act, formerly classified to section 111 of Title 29, was repealed and reenacted as section 3692 of this title by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 12 of that act, formerly classified to section 112 of Title 29, was repealed by act June 25, 1948, and is covered by rule 42(b) of the Federal Rules of Criminal Procedure, set out in Appendix to this title.

Section 164 of Title 45, included within the reference in subsec. (c) to sections 151-188 of Title 45, was repealed by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111. See section 5 of Title 41, Public Contracts.

Section 186 of Title 45, included within the reference in subsec. (c) to sections 151-188 of Title 45, was omitted from the Code.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

SHORT TITLE

This section is popularly known as the “Hobbs Act”.

CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of offenses under this section, see section 2516 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2516 of this title; title 26 section 6050I; title 29 section 1111.

§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

(a) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

(1) distribute the proceeds of any unlawful activity; or

(2) commit any crime of violence to further any unlawful activity; or

(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs or attempts to perform—

(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

(b) As used in this section (i) “unlawful activity” means (1) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances (as defined in section 102(6) of the Controlled Substances Act), or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, (2) extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States, or (3) any act which is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title and (ii) the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(c) Investigations of violations under this section involving liquor shall be conducted under the supervision of the Secretary of the Treasury.

(Added Pub. L. 87-228, §1(a), Sept. 13, 1961, 75 Stat. 498; amended Pub. L. 89-68, July 7, 1965, 79 Stat. 212; Pub. L. 91-513, title II, §701(i)(2), Oct. 27, 1970, 84 Stat. 1282; Pub. L. 99-570, title I, §1365(a), Oct. 27, 1986, 100 Stat. 3207-35; Pub. L. 101-647, title XII, §1205(i), title XVI, §1604, Nov. 29, 1990, 104 Stat. 4831, 4843; Pub. L. 103-322, title XIV, §140007(a), title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2033, 2147.)

REFERENCES IN TEXT

Section 102(6) of the Controlled Substances Act, referred to in subsec. (b)(i)(1), is classified to section 802(6) of Title 21, Food and Drugs.

AMENDMENTS

1994—Pub. L. 103-322, §330016(1)(L), which directed the amendment of this section by substituting “under this

title” for “not more than \$10,000”, could not be executed because the phrase “not more than \$10,000” did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 103-322, §140007(a). See below.

Subsec. (a). Pub. L. 103-322, §140007(a), substituted “and thereafter performs or attempts to perform—” and subpars. (A) and (B) for former concluding provisions which read as follows: “and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.”

1990—Subsec. (a). Pub. L. 101-647, §1604, inserted “the mail or” after “uses” and struck out “including the mail,” before “with intent” in introductory provisions.

Subsec. (b). Pub. L. 101-647, §1205(i), inserted “(i)” after “As used in this section” and added cl. (ii).

1986—Subsec. (b)(3). Pub. L. 99-570 added cl. (3).

1970—Subsec. (b)(1). Pub. L. 91-513, §701(i)(2)(A), inserted “or controlled substances (as defined in section 102(6) of the Controlled Substances Act)”.

Subsec. (c). Pub. L. 91-513, §701(i)(2)(B), struck out reference to investigations involving narcotics.

1965—Subsec. (b)(2). Pub. L. 89-68 made section applicable to travel in aid of arson.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 704 of Pub. L. 91-513, set out as an Effective Date note under section 801 of Title 21, Food and Drugs.

SAVINGS PROVISION

Amendment by Pub. L. 91-513 not to affect or abate any prosecutions for any violation of law or any civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of such amendment, and all administrative proceedings pending before the former Bureau of Narcotics and Dangerous Drugs on Oct. 27, 1970, were to be continued and brought to final determination in accord with laws and regulations in effect prior to Oct. 27, 1970, see section 702 of Pub. L. 91-513, set out as a Savings Provision note under section 321 of Title 21, Food and Drugs.

CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of offenses under this section, see section 2516 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2516 of this title; title 26 section 6050I.

[§ 1952A. Renumbered § 1958]

[§ 1952B. Renumbered § 1959]

§ 1953. Interstate transportation of wagering paraphernalia

(a) Whoever, except a common carrier in the usual course of its business, knowingly carries or sends in interstate or foreign commerce any record, paraphernalia, ticket, certificate, bills, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for use in (a) bookmaking; or (b) wagering pools with respect to a sporting event; or (c) in a numbers, policy, bolita, or similar game shall be fined under this title or imprisoned for not more than five years or both.

(b) This section shall not apply to (1) parimutuel betting equipment, parimutuel tickets where legally acquired, or parimutuel materials used or designed for use at racetracks or other sporting events in connection with which bet-

ting is legal under applicable State law, or (2) the transportation of betting materials to be used in the placing of bets or wagers on a sporting event into a State in which such betting is legal under the statutes of that State, or (3) the carriage or transportation in interstate or foreign commerce of any newspaper or similar publication, or (4) equipment, tickets, or materials used or designed for use within a State in a lottery conducted by that State acting under authority of State law, or (5) the transportation in foreign commerce to a destination in a foreign country of equipment, tickets, or materials designed to be used within that foreign country in a lottery which is authorized by the laws of that foreign country.

(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia.

(d) For the purposes of this section (1) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and (2) "foreign country" means any empire, country, dominion, colony, or protectorate, or any subdivision thereof (other than the United States, its territories or possessions).

(e) For the purposes of this section "lottery" means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. "Lottery" does not include the placing or accepting of bets or wagers on sporting events or contests.

(Added Pub. L. 87-218, §1, Sept. 13, 1961, 75 Stat. 492; amended Pub. L. 93-583, §3, Jan. 2, 1975, 88 Stat. 1916; Pub. L. 96-90, §2, Oct. 23, 1979, 93 Stat. 698; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

1979—Subsec. (b)(5). Pub. L. 96-90, §2(1), added cl. (5). Subsecs. (d), (e). Pub. L. 96-90, §2(2), added subsecs. (d) and (e).

1975—Subsec. (b)(4). Pub. L. 93-583 added cl. (4).

CROSS REFERENCES

Mailing lottery tickets or related matter, see section 1302 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1302, 1961 of this title.

§ 1954. Offer, acceptance, or solicitation to influence operations of employee benefit plan

Whoever being—

(1) an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee welfare benefit plan or employee pension benefit plan; or

(2) an officer, counsel, agent, or employee of an employer or an employer any of whose employees are covered by such plan; or

(3) an officer, counsel, agent, or employee of an employee organization any of whose members are covered by such plan; or

(4) a person who, or an officer, counsel, agent, or employee of an organization which, provides benefit plan services to such plan

receives or agrees to receive or solicits any fee, kickback, commission, gift, loan, money, or thing of value because of or with intent to be influenced with respect to, any of the actions, decisions, or other duties relating to any question or matter concerning such plan or any person who directly or indirectly gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value prohibited by this section, shall be fined under this title or imprisoned not more than three years, or both: *Provided*, That this section shall not prohibit the payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as such person, administrator, officer, trustee, custodian, counsel, agent, or employee of such plan, employer, employee organization, or organization providing benefit plan services to such plan.

As used in this section, the term (a) "any employee welfare benefit plan" or "employee pension benefit plan" means any employee welfare benefit plan or employee pension benefit plan, respectively, subject to any provision of title I of the Employee Retirement Income Security Act of 1974, and (b) "employee organization" and "administrator" as defined respectively in sections 3(4) and (3)(16) of the Employee Retirement Income Security Act of 1974.

(Added Pub. L. 87-420, §17(e), Mar. 20, 1962, 76 Stat. 42; amended Pub. L. 91-452, title II, §225, Oct. 15, 1970, 84 Stat. 930; Pub. L. 93-406, title I, §111(a)(2)(C), Sept. 2, 1974, 88 Stat. 852; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

REFERENCES IN TEXT

The Employee Retirement Income Security Act of 1974, referred to in text, is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 832, as amended. Title I of the Employee Retirement Income Security Act of 1974, referred to in text, is classified generally to subchapter I (§1001 et seq.) of chapter 18 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

Section 3(4) of the Employee Retirement Income Security Act of 1974, referred to in text, is classified to section 1002(4) of Title 29.

Section (3)(16) of the Employee Retirement Income Security Act of 1974, referred to in text, probably means section 3(16) of the Employee Retirement Income Security Act of 1974, which is classified to section 1002(16) of Title 29.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000" in first par.

1974—Pub. L. 93-406 substituted "any employee welfare benefit plan or employee pension benefit plan, respectively, subject to any provision of title I of the Employee Retirement Income Security Act of 1974" for "any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act, as amended" and "sections 3(4) and (3)(16) of the Employee Retirement Income Security Act of 1974" for "sections 3(3) and 5(b)(1) and (2) of the Welfare and Pension Plans Disclosure Act, as amended".

1970—Pub. L. 91-452 struck out letter designation "(a)" preceding first sentence and struck out subsec.

(b) which related to the immunity from prosecution of any witness compelled to testify or produce evidence after claiming his privilege against self-incrimination. See section 6001 et seq. of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-406 effective Jan. 1, 1975, except as provided in section 1031(b)(2) of Title 29, Labor, see section 1031 of Title 29.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under sections 6001 of this title.

EFFECTIVE DATE

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87-420, set out as a note under section 664 of this title.

CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of offenses under this section, see section 2516 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 24, 1961, 2516 of this title; title 29 sections 1031, 1111.

§ 1955. Prohibition of illegal gambling businesses

(a) Whoever conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling business shall be fined under this title or imprisoned not more than five years, or both.

(b) As used in this section—

(1) “illegal gambling business” means a gambling business which—

(i) is a violation of the law of a State or political subdivision in which it is conducted;

(ii) involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

(iii) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of \$2,000 in any single day.

(2) “gambling” includes but is not limited to pool-selling, bookmaking, maintaining slot machines, roulette wheels or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

(3) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(c) If five or more persons conduct, finance, manage, supervise, direct, or own all or part of a gambling business and such business operates for two or more successive days, then, for the purpose of obtaining warrants for arrests, interceptions, and other searches and seizures, probable cause that the business receives gross revenue in excess of \$2,000 in any single day shall be deemed to have been established.

(d) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States. All

provisions of law relating to the seizures, summary, and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property used or intended for use in violation of this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.

(e) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1986, as amended, if no part of the gross receipts derived from such activity inures to the benefits of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by him in the conduct of such activity.

(Added Pub. L. 91-452, title VIII, §803(a), Oct. 15, 1970, 84 Stat. 937; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 103-322, title XXXIII, §330016(1)(N), Sept. 13, 1994, 108 Stat. 2148.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (d), are classified generally to Title 19, Customs Duties.

Paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1986, referred to in subsec. (e), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$20,000”.

1986—Subsec. (e). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

TRANSFER OF FUNCTIONS

Offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished, with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. Functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

NATIONAL GAMBLING IMPACT STUDY COMMISSION

Pub. L. 104-169, Aug. 3, 1996, 110 Stat. 1482, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘National Gambling Impact Study Commission Act’.

“SEC. 2. FINDINGS.

“The Congress finds that—

“(1) the most recent Federal study of gambling in the United States was completed in 1976;

“(2) legalization of gambling has increased substantially over the past 20 years, and State, local, and Native American tribal governments have established gambling as a source of jobs and additional revenue;

“(3) the growth of various forms of gambling, including electronic gambling and gambling over the Internet, could affect interstate and international matters under the jurisdiction of the Federal Government;

“(4) questions have been raised regarding the social and economic impacts of gambling, and Federal, State, local, and Native American tribal governments lack recent, comprehensive information regarding those impacts; and

“(5) a Federal commission should be established to conduct a comprehensive study of the social and economic impacts of gambling in the United States.

“SEC. 3. NATIONAL GAMBLING IMPACT STUDY COMMISSION.

“(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Gambling Impact Study Commission (hereinafter referred to in this Act as ‘the Commission’). The Commission shall—

“(1) be composed of 9 members appointed in accordance with subsection (b); and

“(2) conduct its business in accordance with the provisions of this Act.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Commissioners shall be appointed for the life of the Commission as follows:

“(A) 3 shall be appointed by the President of the United States.

“(B) 3 shall be appointed by the Speaker of the House of Representatives.

“(C) 3 shall be appointed by the Majority Leader of the Senate.

“(2) PERSONS ELIGIBLE.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission under section 4. The members may be from the public or private sector, and may include Federal, State, local, or Native American tribal officers or employees, members of academia, non-profit organizations, or industry, or other interested individuals.

“(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under section 4.

“(4) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall conduct the consultation required under paragraph (3) and shall each make their respective appointments not later than 60 days after the date of enactment of this Act [Aug. 3, 1996]. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 60 days after the vacancy occurs.

“(5) OPERATION OF THE COMMISSION.—

“(A) CHAIRMANSHIP.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall jointly designate one member as the Chairman of the Commission. In the

event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 75 days after the date of enactment of this Act.

“(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the appointment of the last member of the Commission, or not later than 30 days after the date on which appropriated funds are available for the Commission, whichever is later.

“(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have one vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission’s business, if such rules are not inconsistent with this Act or other applicable law.

“SEC. 4. DUTIES OF THE COMMISSION.

“(a) STUDY.—

“(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on—

“(A) Federal, State, local, and Native American tribal governments; and

“(B) communities and social institutions generally, including individuals, families, and businesses within such communities and institutions.

“(2) MATTERS TO BE STUDIED.—The matters studied by the Commission under paragraph (1) shall at a minimum include—

“(A) a review of existing Federal, State, local, and Native American tribal government policies and practices with respect to the legalization or prohibition of gambling, including a review of the costs of such policies and practices;

“(B) an assessment of the relationship between gambling and levels of crime, and of existing enforcement and regulatory practices that are intended to address any such relationship;

“(C) an assessment of pathological or problem gambling, including its impact on individuals, families, businesses, social institutions, and the economy;

“(D) an assessment of the impacts of gambling on individuals, families, businesses, social institutions, and the economy generally, including the role of advertising in promoting gambling and the impact of gambling on depressed economic areas;

“(E) an assessment of the extent to which gambling provides revenues to State, local, and Native American tribal governments, and the extent to which possible alternative revenue sources may exist for such governments; and

“(F) an assessment of the interstate and international effects of gambling by electronic means, including the use of interactive technologies and the Internet.

“(b) REPORT.—No later than 2 years after the date on which the Commission first meets, the Commission shall submit to the President, the Congress, State Governors, and Native American tribal governments a comprehensive report of the Commission’s findings and conclusions, together with any recommendations of the Commission. Such report shall include a summary of the reports submitted to the Commission by the Advisory Commission on Intergovernmental Relations and National Research Council under section 7, as well as a summary of any other material relied on by the Commission in the preparation of its report.

“SEC. 5. POWERS OF THE COMMISSION.

“(a) HEARINGS.—

“(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 4.

“(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

“(b) SUBPOENAS.—

“(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under section 4. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in advance of the issuance of any such subpoena. A subpoena under this paragraph may require the production of materials from any place within the United States.

“(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. A complete recording or transcription shall be made of any deposition made under this paragraph.

“(3) CERTIFICATION.—Each person who submits materials or information to the Commission pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

“(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Commission under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure [28 App. U.S.C.].

“(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Commission under paragraph (1) or (2), the Commission may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

“(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 4. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

“(d) INFORMATION TO BE KEPT CONFIDENTIAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by an individual, entity, or organization under contract to the Commission under section 7 shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code. Information obtained by the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

“(1) to Commission employees or employees of any individual, entity, or organization under contract to

the Commission under section 7 for the purpose of receiving, reviewing, or processing such information;

“(2) upon court order; or

“(3) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

“(A) the identity of any person or business entity; or

“(B) any information which could not be released under section 1905 of title 18, United States Code.

“SEC. 6. COMMISSION PERSONNEL MATTERS.

“(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government, or whose compensation is not precluded by a State, local, or Native American tribal government position, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

“(c) STAFF.—

“(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

“(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for Level V of the Executive Schedule under section 5316 of such title.

“(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

“(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for Level V of the Executive Schedule under section 5316 of such title.

“SEC. 7. CONTRACTS FOR RESEARCH.

“(a) ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.—

“(1) IN GENERAL.—In carrying out its duties under section 4, the Commission shall contract with the Advisory Commission on Intergovernmental Relations for—

“(A) a thorough review and cataloging of all applicable Federal, State, local, and Native American tribal laws, regulations, and ordinances that pertain to gambling in the United States; and

“(B) assistance in conducting the studies required by the Commission under section 4(a), and in par-

ticular the review and assessments required in subparagraphs (A), (B), and (E) of paragraph (2) of such section.

“(2) REPORT REQUIRED.—The contract entered into under paragraph (1) shall require that the Advisory Commission on Intergovernmental Relations submit a report to the Commission detailing the results of its efforts under the contract no later than 15 months after the date upon which the Commission first meets.

“(b) NATIONAL RESEARCH COUNCIL.—

“(1) IN GENERAL.—In carrying out its duties under section 4, the Commission shall contract with the National Research Council of the National Academy of Sciences for assistance in conducting the studies required by the Commission under section 4(a), and in particular the assessment required under subparagraph (C) of paragraph (2) of such section.

“(2) REPORT REQUIRED.—The contract entered into under paragraph (1) shall require that the National Research Council submit a report to the Commission detailing the results of its efforts under the contract no later than 15 months after the date upon which the Commission first meets.

“(c) OTHER ORGANIZATIONS.—Nothing in this section shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the Commission’s duties under section 4.

“SEC. 8. DEFINITIONS.

“For the purposes of this Act:

“(1) GAMBLING.—The term ‘gambling’ means any legalized form of wagering or betting conducted in a casino, on a riverboat, on an Indian reservation, or at any other location under the jurisdiction of the United States. Such term includes any casino game, parimutuel betting, sports-related betting, lottery, pull-tab game, slot machine, any type of video gaming, computerized wagering or betting activities (including any such activity conducted over the Internet), and philanthropic or charitable gaming activities.

“(2) NATIVE AMERICAN TRIBAL GOVERNMENT.—The term ‘Native American tribal government’ means an Indian tribe, as defined under section 4(5) of the Indian Gaming Regulatory Act of 1988 (25 U.S.C. 2703(5)).

“(3) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to the Commission, the Advisory Commission on Intergovernmental Relations, and the National Academy of Sciences such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

“(b) LIMITATION.—No payment may be made under section 6 or 7 of this Act except to the extent provided for in advance in an appropriation Act.

“SEC. 10. TERMINATION OF THE COMMISSION.

“The Commission shall terminate 60 days after the Commission submits the report required under section 4(b).”

PRIORITY OF STATE LAWS

Enactment of this section as not indicating an intent on the part of the Congress to occupy the field in which this section operates to the exclusion of State of local law on the same subject matter, or to relieve any person of any obligation imposed by any State or local law, see section 811 of Pub. L. 91-452, set out as a Priority of State Laws note under section 1511 of this title.

COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING

Sections 804-809 of Pub. L. 91-452 established Commission on Review of National Policy Toward Gambling, provided for its membership and compensation of members and staff, empowered Commission to subpoena witnesses and grant immunity, required Commission to make a study of gambling in United States and existing Federal, State, and local policy and practices with respect to prohibition and taxation of gambling activities and to make a final report of its findings and recommendations to President and to Congress within four years of its establishment, and provided for its termination sixty days after submission of final report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2516 of this title; title 8 section 1101; title 26 section 6050I.

§ 1956. Laundering of monetary instruments

(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity—

(A)(i) with the intent to promote the carrying on of specified unlawful activity; or

(ii) with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or

(B) knowing that the transaction is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both.

(2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—

(A) with the intent to promote the carrying on of specified unlawful activity; or

(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or imprisonment for not more than twenty years, or both. For the purpose of the of-

fense described in subparagraph (B), the defendant's knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant's subsequent statements or actions indicate that the defendant believed such representations to be true.

(3) Whoever, with the intent—

(A) to promote the carrying on of specified unlawful activity;

(B) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or

(C) to avoid a transaction reporting requirement under State or Federal law,

conducts or attempts to conduct a financial transaction involving property represented to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than 20 years, or both. For purposes of this paragraph and paragraph (2), the term “represented” means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a Federal official authorized to investigate or prosecute violations of this section.

(b) Whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3), or a transportation, transmission, or transfer described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of—

(1) the value of the property, funds, or monetary instruments involved in the transaction; or

(2) \$10,000.

(c) As used in this section—

(1) the term “knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity” means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, Federal, or foreign law, regardless of whether or not such activity is specified in paragraph (7);

(2) the term “conducts” includes initiating, concluding, or participating in initiating, or concluding a transaction;

(3) the term “transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

(4) the term “financial transaction” means (A) a transaction which in any way or degree affects interstate or foreign commerce (i) involving the movement of funds by wire or other means or (ii) involving one or more monetary instruments, or (iii) involving the trans-

fer of title to any real property, vehicle, vessel, or aircraft, or (B) a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

(5) the term “monetary instruments” means (i) coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, and money orders, or (ii) investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

(6) the term “financial institution” has the definition given that term in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder;

(7) the term “specified unlawful activity” means—

(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under subchapter II of chapter 53 of title 31;

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving—

(i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

(ii) murder, kidnapping, robbery, extortion, or destruction of property by means of explosive or fire;¹

(iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of 1978);

(C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848);

(D) an offense under section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section 152 (relating to concealment of assets; false oaths and claims; bribery), section 215 (relating to commissions or gifts for procuring loans), section 351 (relating to congressional or Cabinet officer assassination), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 513 (relating to securities of States and private entities), section 542 (relating to entry of goods by means of false statements), section 545 (relating to smuggling goods into the United States), section 549 (relating to removing goods from Customs custody), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm cred-

¹ So in original. Probably should be followed by “or”.

it agencies), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section 875 (relating to interstate communications), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section 1005 (relating to fraudulent bank entries), 1006 (relating to fraudulent Federal credit institution entries), 1007 (relating to Federal Deposit Insurance transactions), 1014 (relating to fraudulent loan or credit applications), 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution), section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1201 (relating to kidnaping), section 1203 (relating to hostage taking), section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction), section 1708 (theft from the mail), section 1751 (relating to Presidential assassination), section 2113 or 2114 (relating to bank and postal robbery and theft), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms), section 2319 (relating to copyright infringement), section 2320 (relating to trafficking in counterfeit goods and services),² section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code,² a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less

than \$5,000, or any felony violation of the Foreign Corrupt Practices Act; or

ENVIRONMENTAL CRIMES

(E) a felony violation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Ocean Dumping Act (33 U.S.C. 1401 et seq.), the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or the Resources Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

(F) Any³ act or activity constituting an offense involving a Federal health care offense.

(8) the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(d) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.

(f) There is extraterritorial jurisdiction over the conduct prohibited by this section if—

(1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and

(2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding \$10,000.

(g) NOTICE OF CONVICTION OF FINANCIAL INSTITUTIONS.—If any financial institution or any officer, director, or employee of any financial institution has been found guilty of an offense under this section, section 1957 or 1960 of this title, or section 5322 or 5324 of title 31, the Attorney General shall provide written notice of such fact to the appropriate regulatory agency for the financial institution.

(h) Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(Added Pub. L. 99-570, title I, §1352(a), Oct. 27, 1986, 100 Stat. 3207-18; amended Pub. L. 100-690,

² So in original.

³ So in original. Probably should not be capitalized.

title VI, §§6183, 6465, 6466, 6469(a)(1), 6471(a), (b), title VII, §7031, Nov. 18, 1988, 102 Stat. 4354, 4375, 4377, 4378, 4398; Pub. L. 101-647, title I, §§105-108, title XII, §1205(j), title XIV, §§1402, 1404, title XXV, §2506, title XXXV, §3557, Nov. 29, 1990, 104 Stat. 4791, 4792, 4831, 4835, 4862, 4927; Pub. L. 102-550, title XV, §§1504(c), 1524, 1526(a), 1527(a), 1530, 1531, 1534, 1536, Oct. 28, 1992, 106 Stat. 4055, 4064-4067; Pub. L. 103-322, title XXXII, §320104(b), title XXXIII, §§330008(2), 330011(i), 330012, 330019, 330021(1), Sept. 13, 1994, 108 Stat. 2111, 2142, 2145, 2146, 2149, 2150; Pub. L. 103-325, title IV, §§411(c)(2)(E), 413(c)(1), (d), Sept. 23, 1994, 108 Stat. 2253-2255; Pub. L. 104-132, title VII, §726, Apr. 24, 1996, 110 Stat. 1301; Pub. L. 104-191, title II, §246, Aug. 21, 1996, 110 Stat. 2018; Pub. L. 104-294, title VI, §§601(f)(6), 604(b)(38), Oct. 11, 1996, 110 Stat. 3499, 3509.)

REFERENCES IN TEXT

Sections 7201 and 7206 of the Internal Revenue Code of 1986, referred to in subsec. (a)(1)(A)(ii), are classified, respectively, to sections 7201 and 7206 of Title 26, Internal Revenue Code.

The Controlled Substances Act, referred to in subsec. (c)(7)(B)(i), (D), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. Section 422 of the Act is classified to section 863 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

Section 1(b) of the International Banking Act of 1978, referred to in subsec. (c)(7)(B)(iii), is classified to section 3101 of Title 12, Banks and Banking.

The Chemical Diversion and Trafficking Act of 1988, referred to in subsec. (c)(7)(D), is subtitle A (§6051-6061) of title VI of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4312. For complete classification of subtitle A to the Code, see Short Title of 1988 Amendment note set out under section 801 of Title 21, Food and Drugs, and Tables.

Section 38(c) of the Arms Export Control Act, referred to in subsec. (c)(7)(D), is classified to section 2778(c) of Title 22, Foreign Relations and Intercourse.

Section 11 of the Export Administration Act of 1979, referred to in subsec. (c)(7)(D), is classified to section 2410 of Title 50, Appendix, War and National Defense.

Section 206 of the International Emergency Economic Powers Act, referred to in subsec. (c)(7)(D), is classified to section 1705 of Title 50.

Section 16 of the Trading with the Enemy Act, referred to in subsec. (c)(7)(D), is classified to section 16 of Title 50, Appendix.

Section 15 of the Food Stamp Act of 1977, referred to in subsec. (c)(7)(D), is classified to section 2024 of Title 7, Agriculture.

The Foreign Corrupt Practices Act, referred to in subsec. (c)(7)(D), probably means the "Foreign Corrupt Practices Act of 1977, title I of Pub. L. 95-213, Dec. 19, 1977, 91 Stat. 1494, as amended, which enacted sections 78dd-1 and 78dd-2 of Title 15, Commerce and Trade, and amended sections 78m and 78ff of Title 15. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 78a of Title 15 and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (c)(7)(E), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Ocean Dumping Act, referred to in subsec. (c)(7)(E), probably means title I of the Marine Protection, Research, and Sanctuaries Act of 1972, Pub. L. 92-532, Oct. 23, 1972, 86 Stat. 1053, as amended, which is

classified generally to subchapter I (§1411 et seq.) of chapter 27 of Title 33. For complete classification of title I to the Code, see Tables.

The Act to Prevent Pollution from Ships, referred to in subsec. (c)(7)(E), is Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, as amended, which is classified principally to chapter 33 (§1901 et seq.) of Title 33. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 33 and Tables.

The Safe Drinking Water Act, referred to in subsec. (c)(7)(E), is Pub. L. 93-523, Dec. 16, 1974, 88 Stat. 1660, as amended, which is classified principally to subchapter XII (§300f et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title of 1974 Amendments note set out under section 201 of Title 42 and Tables.

The Resources Conservation and Recovery Act, referred to in subsec. (c)(7)(E), probably means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, Oct. 21, 1976, 90 Stat. 2796, as amended, which is classified generally to chapter 82 (§6901 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 6901 of Title 42 and Tables.

AMENDMENTS

1996—Subsec. (c)(7)(B)(ii). Pub. L. 104-132, §726(1), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "kidnapping, robbery, or extortion; or".

Subsec. (c)(7)(B)(iii). Pub. L. 104-294, §601(f)(6), struck out one closing parenthesis after "1978".

Subsec. (c)(7)(D). Pub. L. 104-294, §604(b)(38), amended directory language of Pub. L. 103-322, §320104(b). See 1994 Amendment note below.

Pub. L. 104-132, §726(2)(A), (B), (D), (F), (H)-(J), inserted "section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member)," after "an offense under", "section 351 (relating to congressional or Cabinet officer assassination)," after "section 215 (relating to commissions or gifts for procuring loans)," "section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country)," after "section 875 (relating to interstate communications)," "section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction)," after "section 1203 (relating to hostage taking)," "section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms)," after "2114 (relating to bank and postal robbery and theft)," and substituted "section 2320" for "or section 2320" and "section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code," for "of this title".

Pub. L. 104-132, §726(2)(C), (E), (G), which directed insertion of "section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce)," after "section 798 (relating to espionage)," "section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons)," after "section 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution)," and "section 1751 (relating to Presidential assassination)," after "section 1708 (relating to theft from the mail)," were executed by making the insertions, respectively, after

text which read “798 (relating to espionage),”, text which read “1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),”, and text which read “section 1708 (theft from the mail),”, to reflect the probable intent of Congress.

Subsec. (c)(7)(F). Pub. L. 104-191 added subpar. (F).

1994—Subsec. (a)(2). Pub. L. 103-325, § 413(c)(1)(A)(ii), substituted “transfer” for “transfer.” in concluding provisions and two times in subpar. (B).

Pub. L. 103-322, § 330019(a)(3), and Pub. L. 103-325, § 413(c)(1)(A)(i), amended par. (2) identically, inserting “not more than” before “\$500,000” in concluding provisions.

Subsec. (b). Pub. L. 103-325, § 413(c)(1)(B), inserted “or (a)(3)” after “(a)(1)” and substituted “transfer” for “transfer.”

Subsec. (c)(7)(B)(ii). Pub. L. 103-322, § 330021(1), substituted “kidnapping” for “kidnaping”.

Subsec. (c)(7)(B)(iii). Pub. L. 103-322, § 330019(a)(1), and Pub. L. 103-325, § 413(c)(1)(C), each amended cl. (iii) by inserting a closing parenthesis after “1978”.

Subsecs. (c)(7)(D). Pub. L. 103-322, § 330019(b), and Pub. L. 103-325, § 413(c)(1)(D), amended subpar. (D) identically, substituting “section 15 of the Food Stamp Act of 1977” for “section 9(c) of the Food Stamp Act of 1977”.

Pub. L. 103-322, § 330011(I), and Pub. L. 103-325, § 413(d), made identical amendments repealing Pub. L. 101-647, § 3557(2)(E). See 1990 Amendment note below.

Pub. L. 103-322, § 320104(b), as amended by Pub. L. 104-294, § 604(b)(38), substituted “section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),” for “or section 2319 (relating to copyright infringement)”.

Subsec. (c)(7)(E). Pub. L. 103-322, § 330012, and Pub. L. 103-325, § 413(c)(1)(E), amended subpar. (E) identically, striking out second period at end.

Subsec. (e). Pub. L. 103-322, § 330008(2), and Pub. L. 103-325, § 413(c)(1)(F), amended subsec. (e) identically, substituting “Environmental Protection Agency” for “Environmental Protection Agency”.

Subsec. (g). Pub. L. 103-325, § 411(c)(2)(E), in subsec. (g) relating to notice of conviction of financial institutions, substituted “section 5322 or 5324 of title 31” for “section 5322 of title 31”.

Pub. L. 103-322, § 330019(a)(2), and Pub. L. 103-325, § 413(c)(1)(G), made identical amendments redesignating subsec. (g) relating to penalty for money laundering conspiracies as (h).

Subsec. (h). Pub. L. 103-322, § 330019(a)(2), and Pub. L. 103-325, § 413(c)(1)(G), made identical amendments redesignating subsec. (g) relating to penalty for money laundering conspiracies as (h).

1992—Subsec. (a)(2). Pub. L. 102-550, § 1531(a), substituted “transportation, transmission, or transfer.” for “transportation” wherever appearing in subpar. (B) and concluding provisions.

Subsec. (a)(3). Pub. L. 102-550, § 1531(b), in concluding provisions, substituted “property represented to be the proceeds” for “property represented by a law enforcement officer to be the proceeds”.

Subsec. (b). Pub. L. 102-550, § 1531(a), substituted “transportation, transmission, or transfer.” for “transportation” in introductory provisions.

Subsec. (c)(3). Pub. L. 102-550, § 1527(a)(2), inserted “use of a safe deposit box,” before “or any other payment”.

Subsec. (c)(4)(A). Pub. L. 102-550, § 1527(a)(1), added clause (iii), struck out “which in any way or degree affects interstate or foreign commerce,” after “or aircraft,” and inserted “which in any way or degree affects interstate or foreign commerce” after “(A) or transaction”.

Subsec. (c)(6). Pub. L. 102-550, § 1526(a), substituted “or the regulations” for “and the regulations”.

Subsec. (c)(7)(B). Pub. L. 102-550, § 1536, designated part of existing provisions as cl. (i) and added cls. (ii) and (iii).

Subsec. (c)(7)(D). Pub. L. 102-550, §§ 1524, 1534(1), (2), struck out “1341 (relating to mail fraud) or section 1343

(relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),” after “hostage taking),”, inserted “section 1708 (theft from the mail),” before “section 2113”, substituted “section 422 of the Controlled Substances Act” for “section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207-51; 21 U.S.C. 857)”, and struck out “or” before “section 16”.

Pub. L. 102-550, § 1534(3), which directed insertion of “any felony violation of section 9(c) of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than \$5,000, or any felony violation of the Foreign Corrupt Practices Act” before semicolon, was executed by making insertion before semicolon at end to reflect the probable intent of Congress.

Subsec. (g). Pub. L. 102-550, § 1530, added subsec. (g) relating to penalty for money laundering conspiracies.

Pub. L. 102-550, § 1504(c), added subsec. (g) relating to notice of conviction of financial institutions.

1990—Subsec. (a)(2). Pub. L. 101-647, § 108(1), inserted at end “For the purpose of the offense described in subparagraph (B), the defendant’s knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant’s subsequent statements or actions indicate that the defendant believed such representations to be true.”

Subsec. (a)(3). Pub. L. 101-647, § 108(2), inserted “and paragraph (2)” after “this paragraph” in last sentence.

Subsec. (c)(1). Pub. L. 101-647, § 106, substituted “State, Federal, or foreign” for “State or Federal”.

Subsec. (c)(4). Pub. L. 101-647, § 1402, inserted “(A)” before “a transaction” the first place it appears, “(B)” before “a transaction” the second place it appears, “(i)” before “involving” the first place it appears, and “(ii)” before “involving” the second place it appears.

Subsec. (c)(5). Pub. L. 101-647, § 105, amended par. (5) generally. Prior to amendment, par. (5) read as follows: “the term ‘monetary instruments’ means coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery;”.

Subsec. (c)(7)(A). Pub. L. 101-647, § 3557(1), substituted “subchapter II of chapter 53 of title 31” for “the Currency and Foreign Transactions Reporting Act”.

Subsec. (c)(7)(C). Pub. L. 101-647, § 1404(a)(1), struck out “or” at end.

Subsec. (c)(7)(D). Pub. L. 101-647, § 3557(2)(A)–(D), substituted “section 2113” for “or section 2113”, substituted “theft), or” for “theft) of this title,” inserted “of this title” after “2319 (relating to copyright infringement)”, and substituted “paraphernalia” for “paraphernalia”.

Pub. L. 101-647, § 3557(2)(E), which directed the amendment of subpar. (D) by striking the final period, was repealed by Pub. L. 103-322, § 330011(I), and Pub. L. 103-325, § 413(d).

Pub. L. 101-647, § 2506(2), inserted “section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution,” after “section 1203 (relating to hostage taking),”.

Pub. L. 101-647, § 2506(1), inserted “section 1005 (relating to fraudulent bank entries), 1006 (relating to fraudulent Federal credit institution entries), 1007 (relating to Federal Deposit Insurance transactions), 1014 (relating to fraudulent loan or credit applications), 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),” after “section 875 (relating to interstate communications),”.

Pub. L. 101-647, § 1404(a)(2), inserted “; or” after “Trading with the Enemy Act” at end.

Pub. L. 101-647, § 107, substituted “a felony violation of the Chemical Diversion and Trafficking Act of 1988” for “section 310 of the Controlled Substances Act (21 U.S.C. 830)”.

Subsec. (c)(7)(E). Pub. L. 101-647, §1404(a)(2), amended par. (7) by inserting “; or” and subpar. (E) before the period.

Subsec. (c)(8). Pub. L. 101-647, §1205(j), added par. (8).
 Subsec. (e). Pub. L. 101-647, §1404(b), inserted at end “Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental [sic] Protection Agency.”

1988—Subsec. (a)(1)(A). Pub. L. 100-690, §6471(a), amended subpar. (A) generally, designating existing provisions as cl. (i) and adding cl. (ii).

Subsec. (a)(2). Pub. L. 100-690, §6471(b), substituted “transports, transmits, or transfers, or attempts to transport, transmit, or transfer” for “transports or attempts to transport” in introductory provisions.

Subsec. (a)(3). Pub. L. 100-690, §6465, added par. (3).

Subsec. (c)(7)(D). Pub. L. 100-690, §7031, substituted “section 513” for “section 511” and “section 545” for “section 543” and inserted “section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies),”.

Pub. L. 100-690, §6466, inserted “section 542 (relating to entry of goods by means of false statements),”, “section 549 (relating to removing goods from Customs custody),”, and “section 2319 (relating to copyright infringement), section 310 of the Controlled Substances Act (21 U.S.C. 830) (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207-51; 21 U.S.C. 857) (relating to transportation of drug paraphernalia [sic]),”.

Pub. L. 100-690, §6183, substituted “section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, or section 16 (relating to offenses and punishment) of the Trading with the Enemy Act.” for “section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 2 (relating to criminal penalties) of the Export Administration Act of 1979 (50 U.S.C. App. 2401), section 203 (relating to criminal sanctions) of the International Emergency Economic Powers Act (50 U.S.C. 1702), or section 3 (relating to criminal violations) of the Trading with the Enemy Act (50 U.S.C. App. 3)”.

Subsec. (e). Pub. L. 100-690, §6469(a)(1), substituted “and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.” for “. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(38) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1994 AMENDMENTS

Section 330011(l) of Pub. L. 103-322 and section 413(d) of Pub. L. 103-325 provided that the repeal of section 3557(2)(E) of Pub. L. 101-647 made by those sections is effective as of the date of enactment of Pub. L. 101-647, which was approved Nov. 29, 1990.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 981, 982, 984, 986, 1510, 1952, 1957, 1961, 2332d, 2516 of this title; title 8 section 1101; title 12 sections 93, 1464, 1772d, 1785, 1786, 1818,

1821, 1829, 3105, 3413, 3420; title 22 section 2714; title 26 section 6050I; title 28 section 524; title 31 sections 5328, 9703.

§ 1957. Engaging in monetary transactions in property derived from specified unlawful activity

(a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is a fine under title 18, United States Code, or imprisonment for not more than ten years or both.

(2) The court may impose an alternate fine to that imposable under paragraph (1) of not more than twice the amount of the criminally derived property involved in the transaction.

(c) In a prosecution for an offense under this section, the Government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity.

(d) The circumstances referred to in subsection (a) are—

(1) that the offense under this section takes place in the United States or in the special maritime and territorial jurisdiction of the United States; or

(2) that the offense under this section takes place outside the United States and such special jurisdiction, but the defendant is a United States person (as defined in section 3077 of this title, but excluding the class described in paragraph (2)(D) of such section).

(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.

(f) As used in this section—

(1) the term “monetary transaction” means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined in section 1956(c)(5) of this title) by, through, or to a financial institution (as defined in section 1956 of this title), including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title, but such term does not include any transaction necessary to preserve a person’s right to representation as guaranteed by the sixth amendment to the Constitution;

(2) the term “criminally derived property” means any property constituting, or derived from, proceeds obtained from a criminal offense; and

(3) the term “specified unlawful activity” has the meaning given that term in section 1956 of this title.

(Added Pub. L. 99-570, title I, §1352(a), Oct. 27, 1986, 100 Stat. 3207-21; amended Pub. L. 100-690, title VI, §§6182, 6184, 6469(a)(2), Nov. 18, 1988, 102 Stat. 4354, 4377; Pub. L. 102-550, title XV, §§1526(b), 1527(b), Oct. 28, 1992, 106 Stat. 4065; Pub. L. 103-322, title XXXIII, §330020, Sept. 13, 1994, 108 Stat. 2149; Pub. L. 103-325, title IV, §413(c)(2), Sept. 23, 1994, 108 Stat. 2255.)

AMENDMENTS

1994—Subsec. (f)(1). Pub. L. 103-322, §330020, and Pub. L. 103-325, §413(c)(2), amended par. (1) identically, striking out second comma after “(as defined in section 1956 of this title)”.

1992—Subsec. (f)(1). Pub. L. 102-550 substituted “section 1956 of this title” for “section 5312 of title 31” and inserted “, including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title,” before “but such term does not include”.

1988—Subsec. (e). Pub. L. 100-690, §6469(a)(2), substituted “and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.” for “. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.”

Subsec. (f)(1). Pub. L. 100-690, §§6182, 6184, substituted “in section 1956(c)(5) of this title” for “for the purposes of subchapter II of chapter 53 of title 31” and inserted “, but such term does not include any transaction necessary to preserve a person’s right to representation as guaranteed by the sixth amendment to the Constitution”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 981, 982, 984, 986, 1510, 1952, 1956, 1961, 2516 of this title; title 8 section 1101; title 12 sections 93, 1464, 1772d, 1785, 1786, 1818, 1821, 1829, 3105, 3413, 3420; title 22 section 2714; title 26 section 60501; title 28 section 524; title 31 sections 5328, 9703.

§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire

(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so, shall be fined under this title or imprisoned for not more than ten years, or both; and if personal injury results, shall be fined under this title or imprisoned for not more than twenty years, or both; and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both.

(b) As used in this section and section 1959—

(1) “anything of pecuniary value” means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage;

(2) “facility of interstate commerce” includes means of transportation and communication; and

(3) “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 98-473, title II, §1002(a), Oct. 12, 1984, 98 Stat. 2136, §1952A; renumbered §1958 and amended Pub. L. 100-690, title VII, §§7053(a), 7058(b), Nov. 18, 1988, 102 Stat. 4402, 4403; Pub. L. 101-647, title XII, §1205(k), title XXXV, §3558, Nov. 29, 1990, 104 Stat. 4831, 4927; Pub. L. 103-322, title VI, §60003(a)(11), title XIV, §140007(b), title XXXII, §320105, title XXXIII, §330016(1)(L), (N), (Q), Sept. 13, 1994, 108 Stat. 1969, 2033, 2111, 2147, 2148; Pub. L. 104-294, title VI, §§601(g)(3), 605(a), Oct. 11, 1996, 110 Stat. 3500, 3509.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 substituted comma for “or who conspires to do so” after “or who conspires to do so” and substituted “this title or imprisoned” for “this title and imprisoned” before “for not more than twenty years”.

1994—Pub. L. 103-322, §330016(1)(Q), which directed the amendment of this section by substituting “under this title” for “not more than \$50,000”, could not be executed because the phrase “not more than \$50,000” did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 103-322, §60003(a)(11). See below.

Subsec. (a). Pub. L. 103-322, §330016(1)(N), substituted “fined under this title” for “fined not more than \$20,000” after “injury results, shall be”.

Pub. L. 103-322, §330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” before “or imprisoned for not more than ten years”.

Pub. L. 103-322, §§140007(b), 320105, each amended subsec. (a) by inserting “or who conspires to do so” after “anything of pecuniary value”.

Pub. L. 103-322, §60003(a)(11), substituted “and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both” for “and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than \$50,000, or both” before period at end.

1990—Subsec. (b). Pub. L. 101-647, §3558, substituted “section 1959” for “section 1952B” in introductory provisions.

Subsec. (b)(3). Pub. L. 101-647, §1205(k), added par. (3).

1988—Pub. L. 100-690, §7053(a), renumbered section 1952A of this title as this section.

Subsec. (a). Pub. L. 100-690, §7058(b), substituted “ten years” for “five years”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2332b, 2516 of this title.

§ 1959. Violent crimes in aid of racketeering activity

(a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United

States, or attempts or conspires so to do, shall be punished—

(1) for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine under this title, or both;

(2) for maiming, by imprisonment for not more than thirty years or a fine under this title, or both;

(3) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine under this title, or both;

(4) for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine under this title, or both;

(5) for attempting or conspiring to commit murder or kidnapping, by imprisonment for not more than ten years or a fine under this title, or both; and

(6) for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of¹ under this title, or both.

(b) As used in this section—

(1) “racketeering activity” has the meaning set forth in section 1961 of this title; and

(2) “enterprise” includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.

(Added Pub. L. 98-473, title II, §1002(a), Oct. 12, 1984, 98 Stat. 2137, §1952B; renumbered §1959, Pub. L. 100-690, title VII, §7053(b), Nov. 18, 1988, 102 Stat. 4402; Pub. L. 103-322, title VI, §60003(a)(12), title XXXIII, §§330016(1)(J), (2)(C), 330021(1), Sept. 13, 1994, 108 Stat. 1969, 2147, 2148, 2150.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$250,000” in two places.

Pub. L. 103-322, §60003(a)(12), amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) for murder or kidnapping, by imprisonment for any term of years or for life or a fine of not more than \$50,000, or both;”

Subsec. (a)(2) to (4). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$30,000” in par. (2), “fine of not more than \$20,000” in par. (3), and “fine of not more than \$5,000” in par. (4).

Subsec. (a)(5). Pub. L. 103-322, §330021(1), substituted “kidnapping” for “kidnaping”.

Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$10,000”.

Subsec. (a)(6). Pub. L. 103-322, §330016(1)(J), substituted “under this title” for “not more than \$3,000” after “fine of”.

1988—Pub. L. 100-690 renumbered section 1952B of this title as this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1958, 2516 of this title.

¹ So in original. The word “of” probably should not appear.

§ 1960. Prohibition of illegal money transmitting businesses

(a) Whoever conducts, controls, manages, supervises, directs, or owns all or part of a business, knowing the business is an illegal money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

(b) As used in this section—

(1) the term “illegal money transmitting business” means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

(A) is intentionally operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor or a felony under State law; or

(B) fails to comply with the money transmitting business registration requirements under section 5330 of title 31, United States Code, or regulations prescribed under such section;

(2) the term “money transmitting” includes but is not limited to transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

(3) the term “State” means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 102-550, title XV, §1512(a), Oct. 28, 1992, 106 Stat. 4057; amended Pub. L. 103-325, title IV, §408(c), Sept. 23, 1994, 108 Stat. 2252.)

AMENDMENTS

1994—Subsec. (b)(1). Pub. L. 103-325 amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) the term ‘illegal money transmitting business’ means a money transmitting business that affects interstate or foreign commerce in any manner or degree and which is knowingly operated in a State—

“(A) without the appropriate money transmitting State license; and

“(B) where such operation is punishable as a misdemeanor or a felony under State law;”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 982, 984, 986, 1956 of this title; title 12 sections 1786, 1818; title 31 section 5328.

CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

Sec.

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| 1961. | Definitions. |
| 1962. | Prohibited activities. |
| 1963. | Criminal penalties. |
| 1964. | Civil remedies. |
| 1965. | Venue and process. |
| 1966. | Expedition of actions. |
| 1967. | Evidence. |
| 1968. | Civil investigative demand. |

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3559, Nov. 29, 1990, 104 Stat. 4927, struck out “racketeering” after “Prohibited” in item 1962.

1970—Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 941, added chapter 96 and items 1961 to 1968.